

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN C. SHARP, }  
{}  
Plaintiff, } } No. 00-2156  
{}  
vs. } } Magistrate Judge Hay  
{}  
SUPERINTENDENT PHILLIP L. }  
JOHNSON, et al., }  
{}  
Defendants. }

**MOTION FOR LEAVE TO PRESENT  
TESTIMONY OF WITNESS BY VIDEOCONFERENCE**

AND NOW, come the defendants, Johnson, Krysevig, Dickson, Stickman, Winstead, Tursa, Ibrahiym, Blaine, Stowitzky, Miller, Coleman, Fisher, Lockett, Matcus, Blakey, Mears, Moneck and Muhammad (“the Corrections Defendants”), by their attorneys, Scott A. Bradley, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and move for leave to present the testimony of a witness or witnesses by videoconference:

1. The above captioned case has been scheduled for a non-jury trial beginning on Tuesday, October 16, 2007. The Court has set aside three days for the trial, through Thursday, October 18, 2007.
2. Corrections Defendant Mears was at the relevant time employed by the Pennsylvania Department of Corrections as the Corrections Classification Program Manager at the State Correctional Institution at Greene. In 2003, Corrections Defendant Mears retired from the Department and subsequently relocated to North Carolina, where she presently lives and works.

3. Counsel for the Corrections Defendants is attempting to arrange a videoconference link between North Carolina and the courthouse that would permit Corrections Defendant Mears to testify in this case by videoconference.

4. Additionally, because of a previously scheduled commitment, Corrections Defendant Moneck is unavailable for the scheduled trial dates. Corrections Defendant Moneck is a Catholic priest who formerly served as the Facility Chaplaincy Program Director at the State Correctional Institution at Greene. Corrections Defendant Moneck is no longer employed by the Pennsylvania Department of Corrections; he is currently the Pastor for St. Thomas Aquinas Parish in California, Pennsylvania.

5. Counsel for the Corrections Defendants is investigating whether Corrections Defendant Moneck would be available on October 16th, 17th or 18th to provide testimony in this case by videoconference. Counsel for the Corrections Defendants will keep the Court apprised of these efforts. Corrections Defendant Moneck would be available to provide testimony in person on Monday, October 22, 2007.

WHEREFORE, the Corrections Defendants respectfully request leave to allow Corrections Defendant Mears and, if available, Corrections Defendant Moneck to provide their testimony in this case by videoconference.

Respectfully submitted,

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s/ Scott A. Bradley

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Date: October 10, 2007